IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1155 of 2007()

CC.646/2005 of PRL.M.C.,NEYYATTINKARA
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PETITIONER/ACCUSED:

L.V.RAJESH, KUMAR SADANAM,
ATHAZHAMANGALAM, NEYYATTINKARA P.O.

BY ADV. SRI.G.SUDHEER

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1155 OF 2007

Dated this the 28th day of February, 2007

O R D E R

Petitioner, who is the accused in C.C.No.646/2005 on the file of JFCM-IV, Neyyattinkara for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. The trial of the case has reached the fag end. On a date on which the case was posted for examination of the petitioner under section 313 (1)(b) Cr.P.C., the petitioner remained absent. Since the explanation offered by him for his absence was not convincing, his bail was cancelled and non-bailable warrants of arrest have been issued against him.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail after convincing that court about the illness which he has been said to be suffering from. Accordingly, if the petitioner surrenders before the trial court and files an application for regular bail within ten days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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